



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Am

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,866	05/01/2001	Chong Khai Diong	38,146	5004
29569	7590	05/10/2005	EXAMINER	
JEFFREY FURR 253 N. MAIN STREET JOHNSTOWN, OH 43031			CHANG, JUNGWON	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/846,866

Applicant(s)

DIONG, CHONG KHAI

Examiner

Jungwon Chang

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-29, 31-38, 40-44 and 46-50 is/are rejected.
- 7) ☒ Claim(s) 30, 39 and 45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL ACTION

1. This office action is responsive to amendment filed on 11/26/2004. Claims 1-25 are canceled, and claims 26-50 are newly added. Claims 26-50 are presented for examination.
2. The objection of claims 1, 7 and 14 are withdrawn based on amendment filed on 11/26/2004.
3. Claim 50 is objected to because claim language in claim 50 is exactly same as a part of claim 26 (i.e., since claim 50 depends on claim 26, claim 50 should be canceled). Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 26-29, 31-38, 40-44 and 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carau, Sr. et al. (US 6,651,118), hereinafter referred to as Carau, in view of Kikinis (US 6,622,169).

6. As to claim 26, Carau discloses the invention substantially as claimed, including a system for monitoring and controlling a plurality of appliances (communications manager for appliance-to-appliance communications; col. 1, lines 10-13), said system comprising:

access means providing said appliances (1-7, fig. 1) with internet connectivity (col. 4, lines 26-30); and

at least one server (130, fig. 3; col. 4, lines 26-30), through which all data from said appliances and users of said system passes (col. 3, line 58 – col. 4, line 9);

wherein said system is capable of allowing any said user (user of appliance) to simultaneously communicate with a plurality of said appliances (one-to-many connection; col. 1, lines 55-64; col. 5, lines 19-24); and

wherein said appliance contains an embedded internet access means built-in as an integral part of said appliance (appliance contain built in communication ability, such as infrared or very short range radio; col. 1, lines 28-37);

capable of allowing a plurality of said users (users of appliances) to simultaneously communicate with any particular said appliance (many-to-one connection; col. 3, lines 47-54); and

capable of allowing any said appliance to communicate with a plurality of other said appliances simultaneously (one-to-many connection; col. 3, lines 33-38; col. 5, lines 19-24).

7. Carau discloses at least one server (130, fig. 3; col. 4, lines 26-30) However,

Carau does not specifically disclose central server; and communicating in real-time. Kikinis discloses central server (21, fig. 1; col. 5, lines 19-31 and 44-61); and communicating in real-time (col. 2, lines 20-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Carau and Kikinis because Kikinis's central server and communicating in real-time would improve the managing of the plurality of appliances in Carau's system by centrally configuring all appliances under control of the central server and allowing the appliances communicate with each other in real-time.

Carau does not specifically disclose appliances automatically logon to said server at regular pre-programmed intervals to report their status. However, Kikinis discloses appliances automatically logon to said server at regular pre-programmed intervals to report their status (appliance look up and possibly connect to the server in certain, periodic certain, periodic, pre-programmed or flexible interval; col. 6, lines 22-41). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Carau and Kikinis because Kikinis's periodically connecting to server would allow the system to offer suitable service and function to a user of appliance (Kikinis, col. 6, lines 39-41).

8. As to claim 27, Carau discloses said server (130, fig. 3; col. 4, lines 26-30) is capable of receiving inputs from and transmitting outputs to said appliances under the control of a plurality of program control means (program memory, 144, fig. 4, stores

communications programs, 143, fig. 4, which control communication transactions via the appropriate communications modules and drivers; col. 4, lines 10-22 and 51-67).

9. As to claim 28, Carau discloses server contains software application means for a plurality of said users of said system to write and modify said program control means and the writing and modification of said program control means (116, fig. 4; program memory, 144, fig. 4, stores communications programs, 143, fig. 4, which control communication transactions via the appropriate communications modules and drivers; col. 4, lines 10-22 and 51-67). However, Carau does not specifically disclose GUI. Kikinis discloses a web browser program (col. 2, lines 43-49; col. 6, line 62 – col. 7, line 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Carau and Kikinis because Kikinis' web browser program allow a user easy to point and click to navigate and to make selections.

10. As to claim 29, Carau discloses automatically connect to the Internet and the server using a dial-up connection (i.e., modem, 122, fig. 3, to dial up phone 126, fig. 3; col. 3, line 66 - col. 4, lines 1-9 and 26-30).

11. Claim 30 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2154

12. As to claim 31, Carau further discloses appliance is capable of receiving a request from said server while said appliance is offline (col. 1, lines 16-20).

13. As to claim 32, Carau discloses an embedded internet access device using the system in claim 35 (col. 1, lines 28-37; col. 5, lines 49-60).

14. As to claims 33 and 34, Carau does not specifically disclose password and encryption. However, Kikinis discloses password (col. 2, lines 56-58) and private communications (private WAN; col. 5, lines 13-14; private exchange; col. 4, lines 57-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Carau and Kikinis because Kikinis's password and private communications would improve security of Carau's system by preventing unauthorized person who tries to access the system.

15. As to claim 35, it is rejected for the same reasons set forth in claim 26 above. In addition, Carau does not specifically disclose password and encryption. However, Kikinis discloses password (col. 2, lines 56-58) and private communications (private WAN; col. 5, lines 13-14; private exchange; col. 4, lines 57-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Carau and Kikinis because Kikinis's password and private communications would improve security of Carau's system by preventing unauthorized person who tries to access the system.

16. As to claim 36, it is rejected for the same reasons set forth in claim 27 above.
17. As to claim 37, it is rejected for the same reasons set forth in claim 28 above.
18. As to claim 38, it is rejected for the same reasons set forth in claim 29 above.
19. Claim 39 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
20. As to claim 40, it is rejected for the same reasons set forth in claim 31 above.
21. As to claim 41, it is rejected for the same reasons set forth in claim 32 above.
22. As to claim 42, it is rejected for the same reasons set forth in claim 26 above. In addition, Carau discloses server contains software application means for a plurality of said users of said system to write and modify said program control means and the writing and modification of said program control means (116, fig. 4; program memory, 144, fig. 4, stores communications programs, 143, fig. 4, which control communication transactions via the appropriate communications modules and drivers; col. 4, lines 10-22 and 51-67). However, Carau does not specifically disclose GUI. Kikinis discloses a

Art Unit: 2154

web browser program (col. 2, lines 43-49; col. 6, line 62 – col. 7, line 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Carau and Kikinis because Kikinis' web browser program allow a user easy to point and click to navigate and to make selections.

23. As to claim 43, it is rejected for the same reasons set forth in claim 27 above.

24. As to claim 44, it is rejected for the same reasons set forth in claim 29 above.

25. Claim 45 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

26. As to claim 46, it is rejected for the same reasons set forth in claim 31 above.

27. As to claim 47, it is rejected for the same reasons set forth in claim 32 above.

28. As to claim 48, it is rejected for the same reasons set forth in claim 33 above.

29. As to claim 49, it is rejected for the same reasons set forth in claim 34 above.

30. As to claim 50, Carau discloses said appliance contains an embedded internet

Art Unit: 2154

access means built-in as an integral part of said appliance (appliance contain built in communication ability, such as infrared or very short range radio; col. 1, lines 28-37).

31. Applicant's arguments filed on 11/24/2004 have been fully considered but they are not persuasive.

32. In the remarks, applicants argued in substance that

(1) Examiner states that Carau does not disclose password and encryption, Applicant argues that this is novel and unique and it would not have been obvious to one of ordinary skill in the art to apply password and encryption to Carau. This feature is novel to this application as it is extremely important aspect and was not offered in the industry prior.

(2) Also as examiner states Carau does not specifically disclose appliances that automatically logon to said server at regular pre-programmed interval to report their status.

33. Examiner respectfully traverses applicant's remarks:

As to point (1), claims 33-35 and 48-49 for password and encryption are rejected under 35 U.S.C. 103(a) as being unpatentable over Carau (US 6,651,118), in view of Kikinis (US 6,622,169). However, applicant is silent regarding the teaching of Kikinis reference for password and encryption. Applicant must show that the combination of references do not disclose the claimed limitation, as one cannot show nonobviousness by attacking

Art Unit: 2154

references individually where the rejections are based on combinations of references.

See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

As to point (2), Applicant must show that the combination of references do not disclose the claimed limitation, as one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

34. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

35. Any inquiry concerning this communication or earlier communications from the

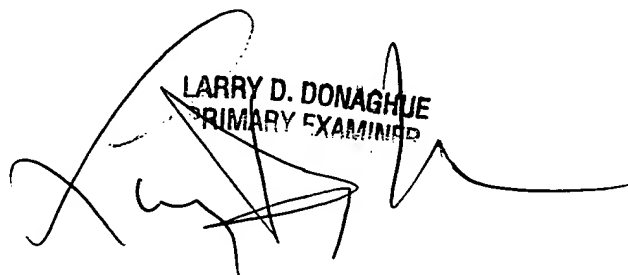
Art Unit: 2154

examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWC
May 4, 2005


LARRY D. DONAGHUE
PRIMARY EXAMINER